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11 Servicing, LLC

12  
13 IN THE UNITED STATES DISTRICT COURT  
14  
15 FOR THE DISTRICT OF ARIZONA

16 MICHELLE MANNING,

17 NO. \_\_\_\_\_

18 Plaintiff,

19 v.

20  
21 **NOTICE OF REMOVAL OF**  
22 **CITIFINANCIAL INC.**

23 CITIFINANCIAL INC., EQUIFAX  
24 INFORMATION SERVICES LLC,  
25 EXPERIAN INFORMATION  
SOLUTIONS, INC., AND TRANSUNION,  
LLC,

Defendants.

16  
17  
18 CitiFinancial Servicing, LLC (“CitiFinancial”), improperly pled as CitiFinancial,  
19 Inc., files the within Notice of Removal and respectfully represents that:

20 1. On or about December 1, 2015, an action was commenced by Complaint  
21 against CitiFinancial in the McDowell Mountain Justice Court, Maricopa County, State  
22 of Arizona, entitled MICHELLE MANNING v. CITIFINANCIAL INC., EQUIFAX  
23 INFORMATION SERVICES LLC, EXPERIAN INFORMATION SOLUTIONS, INC.,  
24 AND TRANSUNION, LLC, Case No: 2015-223593. Copies of the Complaint and  
25 Summons issued on December 1, 2015, are attached hereto and identified as **Exhibit A**.

26 2. CitiFinancial received the Summons and Complaint on December 9, 2015.  
27 Removal is timely because thirty days have not expired since service of the state court  
28 pleadings on CitiFinancial.

1       3. The above described action is a civil action over which this Court has  
2 original jurisdiction under the provisions of 28 U.S.C. § 1441, because the action alleges  
3 CitiFinancial “is willfully reporting derogatory and inaccurate information about Plaintiff  
4 to one or more consumer reporting agencies by continuing to report a balance on  
5 Account, as defined by 15 U.S.C. § 1681a.” **Exhibit A**. These factual allegations are a  
6 claim for violation of the Fair Credit Reporting Act, 15 U.S.C. § 1681 *et seq.* (the  
7 “FCRA”). The FCRA is a federal statute which gives rise to federal question jurisdiction  
8 in this Court. *See* 15 U.S.C. § 1681p.

9       4. Pursuant to 15 U.S.C. § 1681p and 28 U.S.C. § 1331, this Court has  
10 original jurisdiction over FCRA claims without regard to the amount in controversy. *See*  
11 *Lockard v. Equifax, Inc.*, 163 F.3d 1259, 1263-65 (11th Cir. 1998).

12 5. There has been no trial or other final disposition of the Maricopa County  
13 Justice Court action.

14        6.        A Notice of Filing of Notice of Removal, attaching a copy of this Notice of  
15 Removal, will be sent for filing to the Clerk of the Justice Court, Maricopa County. *See*  
16 L.R. Civ. 3.6.

17       7.     Equifax Information Services LLC, Experian Information Solutions, Inc.  
18 and TransUnion, LLC have not yet been served, therefore their consent to this Notice of  
19 Removal is not required.

20 WHEREFORE, Defendant CitiFinancial Servicing, LLC removes the  
21 above action now pending against it in the McDowell Mountain Justice Court, Maricopa  
22 County, State or Arizona to this Court.

BALLARD SPAHR LLP

By: /s/ *Lorna B. Banister*

Brian Schulman

Lorna B. Banister

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*Attorneys for Defendant CitiFinancial  
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## **CERTIFICATE OF SERVICE**

I certify that on the 8th day of January, 2016, I electronically transmitted a PDF version of this document to the Office of the Clerk of the Court, using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to all CM/ECF registrants listed for this matter and mailed a copy of the foregoing document to the following CM/ECF non-registrants:

Kevin Fallon McCarthy  
Joon N. Kee  
4250 North Drinkwater Blvd., Suite 320  
Scottsdale, AZ 85251

/s/ Catherine M. Weber

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